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Attorneys for Sonos, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GOOGLE LLC,
Plaintiff and Counter-defendant,
v.
SONOS, INC.,
Defendant and Counter-claimant.

Case No. 3:20-cv-06754-WHA
Related to Case No. 3:21-cv-07559-WHA

**DECLARATION OF CLEMENT
ROBERTS IN SUPPORT OF SONOS,
INC.'S OPPOSITION TO GOOGLE
LLC'S MOTION FOR
RECONSIDERATION (DKT. 445)**

Complaint Filed: September 28, 2020

1 I, Clement Roberts, declare as follows and would so testify under oath if called upon to do
2 so:

3 1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel
4 of record to Sonos, Inc. (“Sonos”) in the above-captioned matter. I am a member in good
5 standing of the Bar of the State of California. I make this declaration based on my personal
6 knowledge, unless otherwise noted. If called, I can and will testify competently to the matters set
7 forth herein.

8 2. I make this declaration in support of Sonos’s Opposition to Google LLC’s Motion
9 for Reconsideration (Dkt. 445).

10 3. Attached as **Exhibit A** is a true and correct copy of an email thread between
11 counsel for Google, LLC and counsel for Sonos, Inc. regarding Google’s motion for
12 reconsideration sent between November 10, 2022 and November 15, 2022.

13
14 I declare under penalty of perjury that the foregoing is true and correct to the best of my
15 knowledge. Executed this 18th day of January, 2023 in Belevvedere, California.

16
17 /s/ Clement Roberts

18 Clement Roberts
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EXHIBIT A

From: Sean Sullivan
Sent: Tuesday, November 15, 2022 3:06 PM
To: David Cooper; Moulton, Libby; QE-Sonos3
Cc: Sonos-NDCA06754-service
Subject: Re: Google LLC v. Sonos, Inc. (3:20-cv-06754-WHA): Google's motion for reconsideration

David:

Thank you for your email. You indicated that Google was unaware of "any disclosure whereby Sonos withdrew its infringement allegations with respect to any claims of the '885 patent." To the extent that this was not clear from our expert issue list, please be advised that Sonos is no longer asserting any claims of the '885 Patent other than Claim 1. Since Claim 1 is the only claim that Sonos is asserting from the '885 Patent, there is no need for Google to ask the Court to limit its summary judgment ruling to Claim 1, and the portion of Google's motion seeking such clarification is moot. While it makes no difference to Sonos, Google should consider letting the Court know that this issue no longer needs the Court's attention. If you have a different understanding concerning the dependent claims of the '855 patent, please let us know so that we can discuss.

On a related note, we believe that the Court's summary judgment ruling of noninfringement regarding the '615 Patent dispensed with all the asserted claims of the '615 Patent (until such time that the ruling may be appealed to the Federal Circuit). Accordingly, as with the claims of the '885 Patent other than Claim 1, we believe that the parties and their experts no longer need to deal with the '615 Patent at trial in this case. Please let us know if you disagree.

Best,
Sean

Sean M. Sullivan

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From: David Cooper <davidcooper@quinnemanuel.com>
Date: Friday, November 11, 2022 at 3:22 PM
To: 'Moulton, Libby' <emoulton@orrick.com>, QE-Sonos3 <qe-sonos3@quinnemanuel.com>
Cc: Sonos-NDCA06754-service <sonos-ndca06754-service@orrick.com>
Subject: RE: Google LLC v. Sonos, Inc. (3:20-cv-06754-WHA): Google's motion for reconsideration

This message originated from outside your organization

Libby,

We did not state anything incorrect in our motion and there is accordingly no basis for us to withdraw or correct it. We are not aware of any disclosure whereby Sonos withdrew its infringement allegations with respect to any claims of the

'885 patent. And Sonos' Expert Issue List indicates that Sonos does not intend to offer expert testimony as to willful infringement of any claim other than claim 1, but does not so limit the scope of the damages expert testimony it intends to offer.

To the extent claims other than claim 1 are not at issue, that would only confirm that Judge Alsup's order should be clarified, such that its finding of validity is expressly limited to claim 1.

Best,
David

David Cooper
Partner
Quinn Emanuel Urquhart & Sullivan, LLP

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www.quinnemanuel.com

From: Moulton, Libby [mailto:emoulton@orrick.com]
Sent: Thursday, November 10, 2022 7:37 PM
To: QE-Sonos3 <qe-sonos3@quinnemanuel.com>
Cc: Sonos-NDCA06754-service <Sonos-NDCA06754-service@orrick.com>
Subject: Google LLC v. Sonos, Inc. (3:20-cv-06754-WHA): Google's motion for reconsideration

[EXTERNAL EMAIL from emoulton@orrick.com]

Counsel,

Google's motion for clarification or reconsideration (Dkt. 397) asks the Court to confirm that its summary judgment order "is limited to claim 1" of the '885 patent. As you know from Sonos's Expert Issue List, see Nov. 2, 2022 service email from J. Camaya to C. Verhoeven, Sonos is no longer asserting any other claims of the '885 patent. Google failed to disclose this material fact to the Court. Google should promptly withdraw the motion for clarification or reconsideration and file a corrected version informing the Court that the other claims of the '885 patent are no longer asserted by Sonos (and therefore there is no controversy regarding those patent claims). Please confirm that Google will withdraw and correct its motion.

Libby Moulton

Pronouns: she/her/hers

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